

24-NS-122726  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Erbes

Art Unit: 3641

Serial No.: 10/065,061

Examiner: R. Palabrica

Filed: September 13, 2002

For: JET PUMP SET SCREW WEDGE

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NOV 22 2002

GROUP 3600

AMENDMENTCommissioner for Patents  
Washington, D.C. 20231

In response to the Office Action dated November 5, 2002, Applicants elect for prosecution in this application all claims that belong to Group I, i.e., Claims 1-12.

The requirement for election is traversed because the inventions set out by the claims in Groups I and II clearly are related. Applicant submits that a thorough search and examination of any Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C.

Further, the Office Action has not shown the claims of Group I and the claims of Group II are patentably distinct in accordance with MPEP §806.05(e). Particularly, the Office Action has not shown that the apparatus as claimed can be used to practice another and materially different process. Specifically, the Office Action suggests at page 2 that the "apparatus can be used as a jet pump in a non-nuclear facility, i.e., a petroleum refinery." Applicant respectfully submits that the Office Action has not supplied a materially different process in which the apparatus can be used. Particularly, Applicant submits that the Office Action has not supplied

any process because the assertion that "the apparatus can be used as a jet pump" is not a description of a process. Also, the apparatus recited in the method claims of Group II (Claims 13-19) is a wedge apparatus that is used to repair a jet pump. Applicant submits that the wedge apparatus recited in method Claims 13-19 can not be used as a jet pump in a petroleum refinery. Accordingly, Applicant respectfully requests that the restriction requirement be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

  
\_\_\_\_\_  
Michael Tersillo  
Registration No. 42,180  
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One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
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**GROUP 3600**

I certify that the attached, including:

- Amendment (2 pgs.), in response to Office Action dated November 5, 2002
- Amendment Transmittal Form (3 pgs.)(in duplicate)
- Return post card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231..

Michael Tersillo, Reg. No. 42,180  
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Washington, D.C. 20231

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GROUP 3600

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- a small entity. A verified statement:
  - is attached.
  - was already filed.
- other than a small entity.

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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Patents, Washington, D.C. 20231

transmitted by facsimile to the Patent and  
Trademark Office

Date: \_\_\_\_\_

Michael Tersillo, Reg. No. 42,180

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.  
(complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(Fees: 37 C.F.R. 1.17(a)(1-5) for the total number of months checked below:)

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(Check and complete the next item, if applicable)*

An extension of \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_.

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
			PRESENT EXTRA	ADDITIONAL RATE FEE	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR				
TOTAL		MINUS	*	=	x \$9 = \$
INDEP.		MINUS	**	=	x \$40 = \$
<u>      </u> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+ \$135 = \$	+ \$270 = \$
				TOTAL ADDIT. FEE \$	or TOTAL ADDIT. FEE \$

(c)  No additional fee for Claims is required.

**OR**

(d) \_\_\_\_\_ Total additional fee for claims required \$ \_\_\_\_\_

**FEE PAYMENT**

5. \_\_\_\_\_ Attached is a check in the sum of \$ \_\_\_\_\_.

\_\_\_\_\_ Charge Deposit Account No. 01-2384 the sum of \$ \_\_\_\_\_  
A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6.  If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

**AND/OR**

If any additional fee for claims is required, charge Deposit Account No. 01-2384.



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